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3:99cv755 Temco Metal Products v. GT Development Corp

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U.S. District Court
U.S. District Court for the District of Oregon (Portland)

CIVIL DOCKET FOR CASE #: 99-CV-755

Temco Metal Products v. GT Development Corp

Filed: 05/27/99

Assigned to: Honorable Garr M King

Demand: \$0,000

Nature of Suit: 190

Lead Docket: None

Jurisdiction: Federal Question

Dkt # in Multnomah County : is 990505705

Cause: 28:1441 Petition for Removal- Breach of Contract

TEMCO METAL PRODUCTS, an
Oregon corporation
Plaintiff

Carol J Bernick
[COR LD]
Davis Wright Tremaine
1300 SW 5th Avenue
Suite 2300
Portland, OR 97201
503-241-2300
FTS 778-5299

v.

GT DEVELOPMENT CORP, a
Washington corporation
Defendant

Gregory Joseph Miner
[COR LD NTC]
Preston Gates & Ellis LLP
222 SW Columbia St
Suite 1400
Portland, OR 97201-6632
503-228-3200
FTS 248-9085

Steven R Peltin
[COR LD]
Preston Gates & Ellis
701 Fifth Ave
5000 Columbia Center
Seattle, WA 98104-7078
206-623-7580
FTS 467-6682

GT DEVELOPMENT CORP
Counter-claimant

Gregory Joseph Miner
[COR LD NTC]
Preston Gates & Ellis LLP

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- 5/27/99 1 NOTICE OF REMOVAL by Defendant GT Development Corp (Cause of Action: 28:1441bc) from Multnomah County Circuit Court Receipt # 411271 (kirk)
- 5/27/99 2 ORDER Setting Discovery Schedule: Discovery due 9/24/99 & Pretrial order due 10/25/99 (kirk)
- 5/27/99 3 DECLARATION by Defendant GT Development Corp of Gregory J. Miner (kirk)
- 5/27/99 4 DECLARATION by Defendant GT Development Corp of Michael Bozich (kirk)
- 5/27/99 5 MOTION by Plaintiff FOR TEMPORARY RESTRAINING ORDER (kirk) [Entry date 05/28/99]
- 5/27/99 6 MEMORANDUM IN SUPPORT by Plaintiff of MOTION FOR TEMPORARY RESTRAINING ORDER [5-1] (kirk) [Entry date 05/28/99]
- 5/27/99 7 AFFIDAVIT by Plaintiff of Bruce Bosch in Support of MOTION FOR TEMPORARY RESTRAINING ORDER [5-1] (kirk) [Entry date 05/28/99]
- 5/27/99 8 AFFIDAVIT by Plaintiff of Caroline R. Guest in Support of MOTION FOR TEMPORARY RESTRAINING ORDER [5-1] (kirk) [Entry date 05/28/99]
- 5/27/99 9 RECORD OF ORDER by Honorable Garr M. King: SETTING Plaintiffs MOTION FOR TEMPORARY RESTRAINING ORDER [5-1] on the Oral Argument Calendar at 10:00am on 5/28/99 (counsel notified) (kirk) [Entry date 05/28/99]
- 5/28/99 10 MEMORANDUM by Defendant IN OPPOSITION to MOTION FOR TEMPORARY RESTRAINING ORDER [5-1]; Reply due 6/11/99 (kirk)
- 5/28/99 11 DECLARATION by Defendant of Michael Bozich (kirk)
- 5/28/99 12 DECLARATION by Defendant of Gabe Fasolino (kirk)
- 5/28/99 13 TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE; GRANTING plaintiffs MOTION FOR TEMPORARY RESTRAINING ORDER [5-1] (see formal 2 page order); Setting a show cause hearing on 6/16/99 at 9:00am. Honorable Garr M. King (ljb)
- 5/28/99 14 RECORD OF PROCEEDINGS (TRO Hearing) before Honorable Garr M. King; Plaintiff's witness Whilliam Bruce Bosch sworn; MOTION FOR TEMPORARY RESTRAINING ORDER taken under advisement [5-1]; order to show cause hearing set for 9:00am on 6/16/99; parties to file all additional materials pertinent to the preliminary injunction hearing by 6/15/99. (counsel notified) Court Rptr Jerry Harris (ljb)

5/28/99 15 AMENDED COMPLAINT [1-2] by Plaintiff Temco Metal Products (kirk) [Entry date 06/01/99]

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- 5/28/99 16 MOTION by Plaintiff FOR PRELIMINARY INJUNCTION Oral Argument Requested (kirk) [Entry date 06/01/99]
- 6/1/99 17 BOND re: TRO in the amount of \$5,000.00; Signed 6/1/99 by the Honorable Garr M. King (kirk)
- 6/4/99 18 ANSWER [15-1] and COUNTER-CLAIMS by Defendant GT Development Corp against Plaintiff Temco Metal Products (kirk) [Entry date 06/07/99]
- 6/8/99 19 STIPULATED ORDER TO CONTINUE THE TEMPORARY RESTRAINING ORDER: Parties Stipulate that the Order shall remain in full force & effect until the Court rules on Plaintiffs Motion for Preliminary Injunction; Signed 6/7/99 by the Honorable Garr M. King (counsel notified) (kirk) [Entry date 06/09/99]
- 6/8/99 20 RECORD OF PROCEEDINGS (Telephone Conference Call) before Honorable Garr M. King: The court addressed document production by Plaintiff & deposition testimony by Plaintiffs employees that pertained to alleged trade secrets (counsel notified) (kirk) [Entry date 06/09/99]
- 6/10/99 21 RECORD OF PROCEEDINGS (Telephone Conference) before Honorable Garr M. King: The court addressed Defendants objections to Plaintiffs proposed protective order & other issues related to discovery of the alleged trade secrets; Both parties requested a copy of the transcript of the telephone conference (counsel notified) Court Rptr : Dennis Grube (kirk)
- 6/14/99 22 TRANSCRIPT of 6/10/99 Telephone Conference before Honorable Garr M. King; Court Reporter: Dennis R. Grube (kirk) [Entry date 06/15/99]
- 6/15/99 23 SUBSTITUTION of Attorney Carol J Bernick replacing attorney Caroline R Guest for Temco Metal Products (kirk)
- 6/15/99 24 RETURN OF SERVICE EXECUTED upon Defendant GT Development Corp on 6/3/99 (kirk)
- 6/15/99 25 STIPULATED PROTECTIVE ORDER: Signed 6/14/99 (microfilmed 6/15/99) Honorable Garr M. King (See formal 7-Page Order) (counsel notified) (kirk)
- 6/15/99 26 MOTION by Plaintiff FOR LEAVE TO FILE SECOND AMENDED COMPLAINT (kirk)
- 6/15/99 27 MOTION by Plaintiff FOR PRELIMINARY INJUNCTION (kirk)

6/15/99 28 MEMORANDUM IN SUPPORT by Plaintiff of MOTION FOR PRELIMINARY INJUNCTION [27-1] (kirk)

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- 6/15/99 29 BRIEF by Defendant IN OPPOSITION to Plaintiffs MOTION FOR PRELIMINARY INJUNCTION [16-1]; Reply due 6/29/99 (kirk)
 - 6/15/99 30 EXHIBIT LIST by Defendant (DOCUMENT FILED UNDER SEAL) (kirk)
 - 6/15/99 31 EXHIBIT LIST by Plaintiff (kirk)
 - 6/15/99 32 RECORD OF PROCEEDINGS (Telephone Conference) before Honorable Garr M. King: 6/16/99 Preliminary Injunction hearing will proceed as scheduled (counsel notified) (kirk) [Entry date 06/17/99]
 - 6/16/99 33 RECORD OF PROCEEDINGS (Preliminary Injunction Hearing) before Honorable Garr M. King: Plaintiffs Oral Motion to exclude witnesses is GRANTED; Witnesses sworn & evidence adduced; MOTION FOR PRELIMINARY INJUNCTION [27-1], & MOTION FOR PRELIMINARY INJUNCTION [16-1] hearing continued to 6/17/99 at 10:00am (counsel notified) Court Rptr : Dennis Grube (kirk) [Entry date 06/18/99]
 - 6/17/99 34 RECORD OF PROCEEDINGS (Preliminary Injunction Hearing) before Honorable Garr M. King: TAKING UNDER ADVISEMENT on 6/17/99 MOTIONS FOR PRELIMINARY INJUNCTION [27-1] & [16-1]; Parties stipulate to continue TRO until decision is made on Preliminary Injunction; Witnesses sworn & evidence adduced; ORDER Parties to submit arguments & proposed Findings of Fact of Law in writing by 6/23/99; Plaintiffs oral motion to seal Defendants exhibits 107 & 118 & Plaintiffs exhibit 10 is GRANTED; Exhibits returned to counsel; (counsel notified) Court Rptr : Dennis Grube (kirk) [Entry date 06/18/99]
 - 6/17/99 35 CLERK'S LIST OF EXHIBITS AND WITNESSES (kirk) [Entry date 06/18/99]
 - 6/22/99 36 APPLICATION FOR SPECIAL ADMISSION PRO HAC VICE by attorney Steven R. Peltin; Local Counsel: Gregory J. Miner representing Defendant GT Development Corp; Fee paid, receipt # 411666; Approved 6/21/99 by Honorable Garr M. King (counsel notified) (kirk) [Entry date 06/23/99]
 - 6/23/99 37 TRANSCRIPT of 5/28/99 TRO Hearing before Honorable Garr M. King; Court Reporter: Jerry C. Harris (kirk)
 - 6/23/99 38 RECORD OF ORDER by Honorable Garr M. King: Clarifying that at the Preliminary Injunction Hearing held 6/17/99, an oral motion to amend the complaint to add a claim for contract reformation was made by Plaintiff; That motion was taken

Under Advisement (counsel notified) (kirk)
 [Entry date 06/24/99]

6/25/99 39 PROPOSED FINDINGS OF FACT by Defendants (DOCUMENT FILED UNDER SEAL) (kirk) [Entry date 06/28/99]

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6/25/99 40	MEMORANDUM OF POINTS & AUTHORITIES filed by Defendant (DOCUMENT FILED UNDER SEAL) (kirk) [Entry date 06/28/99]
6/25/99 41	PROPOSED FINDINGS OF FACT and CONCLUSIONS OF LAW filed by Plaintiff (kirk) [Entry date 06/28/99]
6/25/99 42	CLOSING BRIEF IN SUPPORT by Plaintiff of MOTION FOR PRELIMINARY INJUNCTION [27-1] (kirk) [Entry date 06/28/99]
7/2/99 43	FINDINGS OF FACT, CONCLUSIONS OF LAW & PRELIMINARY INJUNCTION by Honorable Garr M. King: ORDER GRANTING Plaintiffs MOTION FOR PRELIMINARY INJUNCTION [27-1]; GRANTING Plaintiffs MOTION FOR LEAVE FILE SECOND AMENDED COMPLAINT [26-1]; ORDER FINDING Plaintiffs MOTION PRELIMINARY INJUNCTION [16-1] is duplicative & is DENIED as MOOT; (See formal 14-Page Findings of Fact, Conclusions of Law & Preliminary Injunction) Signed 7/2/99 (FILED AS A SEALED DOCUMENT)(counsel notified) (kirk) [Entry date 07/06/99]
7/6/99 44	TRANSCRIPT of 6/16/99 Preliminary Injunction Proceedings (Volume 1) held before the Honorable Garr M. King; Court Reporter: Dennis R. Grube (kirk)
7/6/99 45	TRANSCRIPT of 6/17/99 Preliminary Injunction Proceedings (Volume 2) held before the Honorable Garr M. King; Court Reporter: Dennis R. Grube (kirk)
7/8/99 46	ANSWER & AFFIRMATIVE DEFENSES TO SECOND AMENDED COMPLAINT [15-1] and COUNTER-CLAIM by Defendant against Plaintiff (kirk) [Entry date 07/12/99]
7/19/99 47	SECOND AMENDED COMPLAINT [15-1] by Plaintiff (kirk) [Entry date 07/20/99]
7/19/99 48	MOTION by Plaintiff TO AMEND INJUNCTION & ALTERNATIVELY TO AMEND THE FINDINGS OF FACT Oral Argument Requested (Expedited Hearing Requested) (kirk) [Entry date 07/20/99]
7/19/99 49	MEMORANDUM IN SUPPORT by Plaintiff of MOTION TO AMEND INJUNCTION & ALTERNATIVELY TO AMEND THE FINDINGS OF FACT [48-1] (kirk) [Entry date 07/20/99]
7/21/99 50	RECORD OF PROCEEDINGS (telephone conference) before Honorable Garr M. King; GRANTING in part and denying in part plaintiffs MOTION TO AMEND INJUNCTION & ALTERNATIVELY

TO AMEND THE FINDINGS OF FACT [48-1]; ORDER: the injunction is extended to 11/17/99 (see transcript) (counsel notified)
Rptr Dennis Grube (ljb) [Entry date 07/26/99]

7/23/99 51 TRANSCRIPT of telephone conference of 7/21/99 before Honorable Garr M. King court reporter: Dennis Grube (ljb) [Entry date 07/26/99]

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7/29/99 52 ANSWER TO Defendants COUNTERCLAIM [46-2] by Plaintiff/Counter-defendant (kirk) [Entry date 07/30/99]

9/23/99 53 MOTION by Plaintiff Temco Metal Products TO EXTEND DISCOVERY AND PRETRIAL ORDER DEADLINES (tely)

9/24/99 54 RECORD OF ORDER by Honorable Garr M. King GRANTING Plaintiffs MOTION TO EXTEND DISCOVERY AND PRETRIAL ORDER DEADLINES [53-1]. Discovery ddl set for 10/25/99 & pretrial order ddl set for 11/24/99. ORDER setting Rule 16 Conference via telephone for 9:00am on 10/13/99 (counsel notified) Court Rptr none (tely)

9/24/99 55 MOTION by Plaintiff Temco Metal Products FOR LEAVE TO FILE 3RD AMENDED COMPLAINT Oral Argument Requested (tely) [Entry date 09/27/99]

9/24/99 56 MEMORANDUM IN SUPPORT by Plaintiff Temco Metal Products of MOTION FOR LEAVE TO FILE 3RD AMENDED COMPLAINT [55-1] (tely) [Entry date 09/27/99]

9/24/99 57 AFFIDAVIT by Plaintiff Temco Metal Products of Kathleen R Dent re: MOTION FOR LEAVE TO FILE 3RD AMENDED COMPLAINT [55-1] (tely) [Entry date 09/27/99]

9/28/99 58 RULE 16 ORDER by Honorable Garr M. King setting Rule 16 Conference for 10/13/99 at 9am by phone [54-2] Signed 9/27/99 (counsel notified) (tely)

10/4/99 59 RECORD OF ORDER by Honorable Garr M. King RESETTING Rule 16 Conference via telephone to 2:30pm on 10/12/99 (counsel notified) Rptr none (tely) [Entry date 10/05/99]

10/8/99 60 MEMORANDUM by Defendant GT Development Corp IN OPPOSITION to Plaintiff's MOTION FOR LEAVE TO FILE 3RD AMENDED COMPLAINT [55-1] Reply due 10/22/99 (tely) [Entry date 10/12/99]

10/12/99 61 RECORD OF PROCEEDINGS Of Telephone Rule 16 Conference before Honorable Garr M. King DENYING Plaintiffs MOTION FOR LEAVE TO FILE 3RD AMENDED COMPLAINT [55-1]. Discovery ddl set for 10/25/99; dispositive motions ddl set for 11/24/99; pretrial order/exchanging of expert reports ddl set for 3/1/00 ; pretrial conference set for 2:30pm on 4/17/00; 4

day jury trial set for 9:00am on 4/25/00 in Portland.
 (counsel notified) Court Rptr Dennis Grube (tely)
 [Entry date 10/13/99]

10/19/99 62 TRIAL MANAGEMENT ORDER by Honorable Garr M. King Pretrial conference set for 4/17/2000 at 2:30pm & 4 day jury trial set for 4/25/2000 at 9am [61-3] Signed 10/15/99 (counsel notified) (tely)

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11/5/99 63 MOTION by Plaintiff TO EXTEND THE PRELIMINARY INJUNCTION FROM 11/17/99 TO 2/17/2000 (tely)

11/5/99 64 MEMORANDUM IN SUPPORT by Plaintiff Temco Metal Products of MOTION TO EXTEND THE PRELIMINARY INJUNCTION FROM 11/17/99 TO 2/17/2000 [63-1] (tely)

11/5/99 65 AFFIDAVIT by Plaintiff Temco Metal Products of W Bruce Bosch re: MOTION TO EXTEND THE PRELIMINARY INJUNCTION FROM 11/17/99 TO 2/17/2000 [63-1] (tely)

11/8/99 66 MOTION by Plaintiff Temco Metal Products FOR EXPEDITED HEARING ON PLAINTIFFS MOTION TO EXTEND THE PRELIMINARY INJUNCTION FILED 11/5/99 (tely)

11/10/99 67 MEMORANDUM by Defendant in Opposition to Plaintiff's MOTION TO EXTEND THE PRELIMINARY INJUNCTION [63-1]; Oral Argument Requested; Reply due 11/24/99; (FILED UNDER SEAL). (peg) [Entry date 11/12/99]

11/10/99 68 AFFIDAVIT of Gregory J. Miner, submitted by Defendant; (FILED UNDER SEAL). (peg) [Entry date 11/12/99]

11/10/99 69 AFFIDAVIT of Alan K. Forsythe submitted by Defendant; (FILED UNDER SEAL); not an original signature. (peg) [Entry date 11/12/99]

11/12/99 70 REPLY IN SUPPORT by Plaintiff Temco Metal Products re MOTION TO EXTEND THE PRELIMINARY INJUNCTION FROM 11/17/99 TO 2/17/2000 [63-1] (tely) [Entry date 11/15/99]

11/12/99 71 RECORD OF ORDER by Honorable Garr M. King SETTING Plaintiffs MOTION TO EXTEND THE PRELIMINARY INJUNCTION FROM 11/17/99 TO 2/17/2000 [63-1] Telephone argument set for 10:00 11/15/99 (counsel notified) Court Rptr none (tely) [Entry date 11/15/99]

11/15/99 72 RECORD OF PROCEEDINGS of Telephone Conference before Honorable Garr M. King GRANTING Plaintiffs MOTION FOR EXPEDITED HEARING ON PLAINTIFFS MOTION TO EXTEND THE PRELIMINARY INJUNCTION FILED 11/5/99 [66-1]. ORDER GRANTING Plaintiffs MOTION TO EXTEND THE PRELIMINARY INJUNCTION FROM

11/17/99 TO 11/30/99 [63-1] (counsel notified) Court
Rptr Dennis Grube (tely) [Entry date 11/18/99]

11/17/99 73 ORIGINAL AFFIDAVIT by Defendant GT Development Corp of Alan K Forsythe re: affidavit [69-1] (FILED UNDER SEAL) (tely) [Entry date 11/18/99]

11/19/99 74 DECLARATION by Plaintiff Temco Metal Products of Ingrid M McTaggart (tely) [Entry date 11/22/99]

11/23/99 75 MOTION by Plaintiff Temco Metal Products FOR PARTIAL SUMMARY JUDGMENT (tely)

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11/23/99 76 MEMORANDUM IN SUPPORT by Plaintiff Temco Metal Products of MOTION FOR PARTIAL SUMMARY JUDGMENT [75-1] (tely)

11/23/99 77 CONCISE STATEMENT OF MATERIAL FACTS by Plaintiff Temco Metal Products in support of MOTION FOR PARTIAL SUMMARY JUDGMENT [75-1] (tely)

11/23/99 78 AFFIDAVIT by Plaintiff Temco Metal Products of Kalthleen R Dent re: MOTION FOR PARTIAL SUMMARY JUDGMENT [75-1] (tely)

11/24/99 79 RECORD OF ORDER by Honorable Garr M. King TAKING Plaintiffs MOTION FOR PARTIAL SUMMARY JUDGMENT [75-1] under advisement as of 12/28/99 (counsel notified) Court Rptr none (tely)

11/24/99 80 MOTION by Defendant GT Development Corp FOR SUMMARY JUDGMENT (FILED UNDER SEAL) (tely) [Entry date 11/29/99]

11/24/99 81 MEMORANDUM IN SUPPORT by Defendant GT Development Corp of MOTION FOR SUMMARY JUDGMENT [80-1] (FILED UNDER SEAL) (tely) [Entry date 11/29/99]

11/24/99 82 CONCISE STATEMENT OF MATERIAL FACTS by Defendant GT Development Corp in support of MOTION FOR SUMMARY JUDGMENT [80-1] (FILED UNDER SEAL) (tely) [Entry date 11/29/99]

11/24/99 83 DECLARATION by Defendant GT Development Corp of Gregory J Miner re MOTION FOR SUMMARY JUDGMENT [80-1] (FILED UNDER SEAL) (tely) [Entry date 11/29/99]

11/24/99 84 DECLARATION by Defendant GT Development Corp of Gabe Fasolino re MOTION FOR SUMMARY JUDGMENT [80-1] (FILED UNDER SEAL) (tely) [Entry date 11/29/99]

11/24/99 85 RECORD OF ORDER by Honorable Garr M. King TAKING Defendants MOTION FOR SUMMARY JUDGMENT [80-1] under advisement as of 12/28/99 (counsel notified) Court Rptr none (tely) [Entry date 11/29/99]

12/3/99 86 MOTION by Plaintiff Temco Metal Products TO EXTEND TIME TO 12/13/99 TO FILE RESPONSE TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT [80-1] (tely) [Entry date 12/06/99]

12/6/99 87 MOTION by Defendant GT Development Corp TO CONSOLIDATE CASE WITH CV99-1664-JE (tely)

12/6/99 88 MEMORANDUM IN SUPPORT by Defendant GT Development Corp of MOTION TO CONSOLIDATE CASE WITH CV99-1664-JE [87-1] (tely)

12/6/99 89 DECLARATION by Defendant GT Development Corp of Gregory J Miner re MOTION TO CONSOLIDATE CASE WITH CV99-1664-JE [87-1] (tely)

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12/6/99 91 RECORD OF ORDER by Honorable Garr M. King GRANTING Plaintiffs MOTION TO EXTEND TIME TO 12/13/99 TO FILE RESPONSE TO DEFENDANTS MOTION FOR SUMMARY JUDGMENT [80-1] [86-1] (counsel notified) Court Rptr none (tely) [Entry date 12/08/99]

12/7/99 90 MEMORANDUM by Defendant GT Development Corp IN OPPOSITION to Plaintiffs MOTION FOR PARTIAL SUMMARY JUDGMENT [75-1] Reply due 12/21/99 (tely)

12/8/99 92 RESPONSE by Plaintiff Temco Metal Products to Defendants MOTION TO CONSOLIDATE CASE WITH CV99-1664-JE [87-1] Reply due (tely) [Entry date 12/09/99]

12/8/99 93 AFFIDAVIT by Plaintiff Temco Metal Products of Carol J Bernick re: MOTION response [92-1] (tely) [Entry date 12/09/99]

12/13/99 94 RESPONSE by Plaintiff Temco Metal Products to Defendants MOTION FOR SUMMARY JUDGMENT [80-1] Reply due 12/27/99; o/a requested (tely) [Entry date 12/14/99]

12/13/99 95 RESPONSE by Plaintiff Temco Metal Products to [82-1] Defendants statement of material facts & additional concise statement of undisputed facts (tely) [Entry date 12/14/99]

12/13/99 96 AFFIDAVIT by Plaintiff Temco Metal Products of Carol J Bernick re: MOTION response [94-1] (tely) [Entry date 12/14/99]

12/15/99 97 RECORD OF ORDER by Honorable Garr M. King GRANTING Defendants ORAL request for extension of time to file a reply to the Plaintiffs response to the MOTION FOR SUMMARY JUDGMENT [80-1] up to 12/30/99. ORDER resetting the taking of Defendants MOTION for SUMMARY JUDGMENT [80] under advisement as of 1/7/00 (counsel notified) Court Rptr none (tely) [Entry date 12/16/99]

12/20/99 98 REPLY IN SUPPORT by Defendant GT Development Corp re MOTION TO CONSOLIDATE CASE WITH CV99-1664-JE [87-1] (tely) [Entry date 12/21/99]

12/30/99 99 REPLY IN SUPPORT by Defendant GT Development Corp re MOTION FOR SUMMARY JUDGMENT [80-1] (FILED UNDER SEAL) (tely) [Entry date 01/03/00]

12/30/99 100 REPLY by Defendant GT Development Corp to Plaintiff's statement of material facts & Defendants additional concise statement of undisputed facts [95-1] (FILED UNDER SEAL) (tely) [Entry date 01/03/00]

12/30/99 101 DECLARATION by Defendant GT Development Corp of Gregory J Miner re MOTION reply [99-1] (FILED UNDER SEAL) (tely) [Entry date 01/03/00]

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2/25/00 102 RECORD OF ORDER by Honorable Garr M. King GRANTING Defendant's written request, dated 2/24/00 to extend time for lodging of the pretrial order to 3/20/00 & exchange of expert reports deadline is extended to 3/20/00. (counsel notified) Court Rptr none (tely)

3/6/00 103 RECORD OF ORDER by Honorable Garr M. King SETTING telephone conference for 10:30am on 3/9/00 (counsel notified) Court Rptr none (tely)

3/9/00 104 RECORD OF ORDER Of Telephone Conference by Honorable Garr M. King ORDER setting telephone conference for 1:15pm on 3/10/00 (counsel notified) Court Rptr none (tely)

3/10/00 105 RECORD OF PROCEEDINGS Of Telephone Conference before Honorable Garr M. King ORDER striking pretrial conference of 4/17/00 & 4 day jury trial of 4/25/00. Case will be consolidated with Temco Metal Products vs Fasolino CV99-1664 for trial only. Trial date to be determined at a later date. ORDER Plaintiff shall file additional motions by 3/17/00. Pretrial order ddl set for 5/24/00 . (counsel notified) Court Rptr Dennis Grube (tely) [Entry date 03/13/00]

4/13/00 106 RECORD OF ORDER by Honorable Garr M. King SETTING Plaintiffs MOTION FOR PARTIAL SUMMARY JUDGMENT [75-1] & Defendants MOTION FOR SUMMARY JUDGMENT [80-1] on oral argument calendar of 2:00 5/1/00 (counsel notified) Court Rptr none (tely)

5/1/00 107 RECORD OF PROCEEDINGS before Honorable Garr M. King TAKING UNDER ADVISEMENT on 5/1/00 Plaintiff's MOTION FOR PARTIAL SUMMARY JUDGMENT [75-1] & Defendants MOTION FOR SUMMARY JUDGMENT [80-1] (counsel notified) Court Rptr Bob Stimler (tely)

5/5/00 108 RECORD OF ORDER by Honorable Garr M. King SETTING Telephone Status Conference for 9:00am on 5/31/00 (counsel notified) Court Rptr none (tely) [Entry date 05/08/00]

5/8/00 109 OPINION Defendant GT Development Corporations MOTION FOR SUMMARY JUDGMENT [80-1] is GRANTED in part & DENIED in part; Plaintiff's MOTION FOR PARTIAL SUMMARY JUDGMENT [75-1] is DENIED (FILED UNDER SEAL) Signed 5/5/00 by Honorable Garr M. King (counsel notified) (tely) [Edit date 05/08/00]

5/8/00 110 ORDER by Honorable Garr M. King GRANTING in part & DENYING in part Defendant's MOTION FOR SUMMARY JUDGMENT [80-1]; DENYING Plaintiffs MOTION FOR PARTIAL SUMMARY JUDGMENT [75-1] (FILED UNDER SEAL) Signed 5/5/00 (counsel notified) (tely)

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5/9/00 111 RECORD OF ORDER by Honorable Garr M. King FINDING Defendants MOTION TO CONSOLIDATE CASE WITH CV99-1664-JE [87-1] as MOOT. The Court has consolidated the cases for trial purposes only (counsel notified) Court Rptr none (tely)

5/25/00 112 RECORD OF ORDER by Honorable Garr M. King RESETTING Telephone Status Conference to 9:15am on 5/30/00 (counsel notified) Court Rptr none (tely)

5/30/00 113 RECORD OF PROCEEDINGS Of Telephone Status Conference before Honorable Garr M. King Discovery ddl set for 6/20/00; expert disclosure ddl set 6/20/00; exchange expert reports ddl set 7/20/00; pretrial order ddl set for 10/24/00; pretrial conference set for 1:30pm on 11/6/00 & 4 day jury trial set for 9:00am on 11/14/00 in Portland (counsel notified) Court Rptr Kathy Eismann (tely)

5/30/00 114 TRIAL MANAGEMENT ORDER by Honorable Garr M. King Pretrial conference set for 11/6/00 at 1:30pm; 4 day jury trial set for 11/14/00 at 9am [113-2] Signed 5/30/00 (counsel notified) (tely)

6/6/00 115 STIPULATEDMOTION by Defendant GT Development Corp TO RESET TRIAL DATE PRESENTLY SET FOR 11/14/00 (tely)

6/6/00 116 DECLARATION by Defendant GT Development Corp of Gregory J Miner re MOTION TO RESET TRIAL DATE PRESENTLY SET FOR 11/14/00 [115-1] (tely)

6/7/00 117 RECORD OF ORDER by Honorable Garr M. King GRANTING Defendants stipulated MOTION TO RESET TRIAL DATE PRESENTLY SET FOR 11/14/00 [115-1]. ORDER setting 4 day jury trial for 9:00am on 11/28/00 in Portland (counsel notified)

Court Rptr none (tely)

[END OF DOCKET: 3:99cv755]